



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,572	09/25/2003	Tetsuya Sawano	06-49-0416P	5629
2292 7590 10/16/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
LU'ONG, ALAN H				
ART UNIT		PAPER NUMBER		
2427				
NOTIFICATION DATE		DELIVERY MODE		
10/16/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/669,572

**Applicant(s)**

SAWANO, TETSUYA

**Examiner**

ALAN LUONG

**Art Unit**

2427

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see Continuation sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 2, 5 and 6.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Continuation sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427

/ALAN LUONG/  
Examiner, Art Unit 2427

Continuation of 3. NOTE: Applicant amended Claims 1 and 5 to recite "...a communication device capable of two-way communication with a portable terminal". These amendments correspond to previously presented claims 2 and 6. Claims 7-12 are newly added and serve to introduce numbers of claims over and above those under final rejection

Continuation of 11: Applicant respectfully notes: Gabler does not suggest the requirement for "a reproduction range specifying unit which specifies a reproduction range of the specified moviefile" that must be present for the claimed "extraction unit" to extract "N pieces of static image from the specified movie file based on the reproduction range," (Remark, page 5). Applicant also respectfully notes: Ando and Gabler also both fail to specify the claimed reproduction range and Gabler simply randomly removes GIF animated blocks that are the least likely to destroy the essential character of the existing animated GIF data to reduce the size of the GIF data. (Remark, page 7)

Examiner respectfully disagrees in response: Gabler explicitly discloses GIF data stream as a specific movie file or static images or animated image (Gabler, col. 5 lines 13-18), as used within the specification, (see para. 0005), and Fig. 3 clearly shows extraction unit [300] operation," comment blocks and other unimportant blocks are removed 308 from the animated GIF data stream. Next, certain of the image blocks within the GIF data stream are removed 310. Preferably, the certain of the image blocks to be removed are determined in accordance with selection criteria. The removal 308 of the comment blocks and other unimportant blocks as well as the removal 310 of the certain of the image blocks both assist in the reduction of the size of the animated GIF data stream. The control blocks of the remaining image blocks are also modified 312. The modifying of the control blocks operates to improve the viewability of the animated GIF image so that the distortion caused by the removal 310 of certain of the image blocks does not destroy the essential character of the animated GIF data stream"(col. 5 lines 35-51) meets the limitation of "a reproduction range specifying unit which specifies a reproduction range of the specified moviefile" that must be present for the claimed "extraction unit" to extract "N pieces of static image from the specified movie file based on the reproduction range," i. e. Examiner understood the reproduction range as "improve the viewability of the animated GIF image so that the distortion caused by the removal 310 of certain of the image blocks does NOT destroy the essential character of the animated GIF data stream".

A.L.  
Oct 06, 2008